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July 5, 1994

Mr. William F. Caton
Acting Secretary,
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D. C. 20554

Via Messenger

Re: **CC Docket No. 92-115**
Revision of Part 22 of the Commission's Rules
Governing the Public Mobile Services

Dear Mr. Caton:

Submitted herewith on behalf of the Committee for Effective Cellular Rules ("CECR") are an original plus five (5) copies of its Reply Comments with respect to the above-referenced docket.

Kindly contact my office directly with any questions concerning this submission.

Respectfully submitted,

William J. Franklin
Attorney for the Committee for
Effective Cellular Rules

Encs.
cc: Committee for Effective Cellular Rules
Service List

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Revision of Part 22 of	)	**CC Docket No. 92-115**
the Commission's rules	)	
governing the Public	)	
Mobile Services	)	

To: The Commission

REPLY COMMENTS OF THE
COMMITTEE FOR EFFECTIVE CELLULAR RULES

The Committee for Effective Cellular Rules ("CECR"), by its attorney and pursuant to Section 1.415(c) of the Commission's Rules, hereby replies to other Comments with respect to the Further Notice of Proposed Rulemaking adopted in the above-captioned proceeding.[1/] These reply comments are restricted to the Commission's proposed revision of the rules applicable to cellular service.

In its Comments (at 2-4), CECR demonstrated that the public interest requires the Commission to continue the licensing of (and maintain its enforcement powers over) inner cell sites. Further, CECR asserted (Comments at 5-6) that System Information Update ("SIU") maps should contain inner cell sites and be

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[1/] Revision of Part 22, 9 FCC Rcd _____ (FCC 94-102, released May 20, 1994) (Further Notice of Proposed Rulemaking) ("FNPRM").

accompanied with the complete engineering package for each exterior cell.[2/]

SOME COMMENTING PARTIES AGREED WITH THE LOGIC OR APPLICABILITY OF CECR'S ARGUMENTS.

Not surprisingly, the commenting cellular carriers generally support the Commission's proposal to reduce their regulatory obligations. However, even within the context of this support, certain carriers agreed with the thrust of CECR's comments.

For example, Nynex Corporation (Comments at 3-4) notes that the Commission should require "carriers ... to submit information detailing changes on service parameters."[3/] Similarly, GTE Service Corporation, while otherwise disagreeing with CECR's position (Comments at 3-5), noted the importance of all carriers "maintain[ing] ... complete records identifying ... internal cell sites and associated operating data...."[4/] Finally, Comp Comm,

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[2/] In its Comments, U.S. West suggests that the Commission change the deadline for filing SIU maps from 60-days prior to the expiration of the five-year fill-in period to the expiration date itself. If this is done, the Commission should similarly extend the one-day filing window for Phase I unserved-area applications by 60 days, i.e., open the window on the 91st day after the expiration of the five-year fill-in period for each market. Accord, Reply Comments of Southwestern Bell Mobile Systems, Inc. ("SBMS Reply") at 4.

[3/] Accord, AirTouch Corporation (Comments at 2-3).

[4/] Accord, New Par Comments at 4 (continuing obligation for frequency coordination should apply to all cells). GTE's position is that such data should be available upon request only to other carriers and the Commission. If GTE's position is adopted, the data should be available routinely and at most a nominal cost to applicants, potential applicants, and other interested parties.

Inc. (Comments at 3-4) documents why the Commission require cellular carriers to make annual filings identifying their interior and exterior cells.

However, the SBMS Reply (at 2-3) curiously appears to oppose CECR's suggestion that the Commission explicitly maintain its enforcement authority over interior cells, both for past and future violations. Indeed, SBMS' opposition confirms CECR's point. The obvious corollary to SBMS' argument that "the penalties for noncompliance ... is what compels licensees to comply with the Commission rules" is that some licensees may be presumed to violate the Commission's rules at will whenever they think they can get away with it. The Commission must take care to assure that cellular deregulation does not become anarchy.

THE COMMISSION LACKS A STATUTORY BASIS TO DEREGULATE "DE MINIMIS" CGSA EXPANSIONS

CECR strongly opposes the CTIA suggestion (Comments at 3-4) that the Commission accept "de minimis CGSA expansion" via minor Form 489 filings. The Commission lacks the statutory authority to do so.

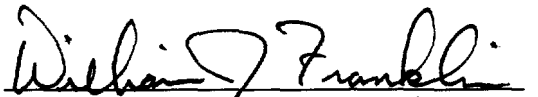
The CGSA defines the carrier's limits of interference protection and rights for minor modification of its system. No CGSA expansion can be deemed to be a "minor change to the facilities of an authorized station" within the meaning of Section 309(c)(2)(A) of the Communications Act. Thus, every such CGSA expansion must be a major application subject to Section 309.

CONCLUSION

Accordingly, the Committee for Effective Cellular Rules respectfully requests that the Commission adopt its proposed revisions to Part 22 for cellular licensing with the rule changes suggested herein and in CECR's Comments.

Respectfully submitted,

COMMITTEE FOR EFFECTIVE CELLULAR RULES

By: 
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CERTIFICATE OF SERVICE

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